

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MONIQUE CHARLENE TILLMAN and)
ERIC BRANCH,)
Plaintiffs,)
vs.) No. 3:16-cv-05794-RBL
JARED WILLIAMS, THE CITY OF)
TACOMA,)
Defendants.)
)

JURISDICTION

This Court has jurisdiction over plaintiffs' federal claims pursuant to 28 U.S.C. § 1983, and supplemental jurisdiction over plaintiffs' state law claims pursuant to 28 U.S.C. § 1337(c)(3). As all claims arose in Pierce County, Washington, venue is proper pursuant to 28 U.S.C. § 1391 (b)(2).

CLAIMS AND DEFENSES

A. Plaintiffs' Claims¹

Plaintiff Tillman intends to pursue the following claims at trial:

¹ Plaintiffs understand that defendants object to presenting some of these claims to the jury, arguing they received insufficient notice of these claims in Plaintiffs' Second Amended Complaint. Plaintiffs position is that defendants received adequate notice of each of these claims. *See Updike v. Multnomah Cty.*, 870 F.3d 939, 952-53 (9th Cir. 2017) (only requiring fair notice to defendant for plaintiff to pursue claim).

1 1. Violation of 42 U.S.C. § 1983 resulting from Defendant Williams' excessive use
 2 of force, unreasonable seizure and wrongful arrest.

3 2. Violation of state laws resulting from Defendant Williams' false imprisonment,
 4 false arrest, malicious prosecution, and assault/battery.

5 3. 42 U.S.C. § 1983 *Monell* claim against Defendant City of Tacoma based on an
 6 alleged custom, practice and policy of allowing individuals to be tased unconstitutionally, an
 7 alleged failure to train, an alleged failure to investigate and discipline, and alleged ratification of
 8 Defendant Williams' conduct.

9 Plaintiff Branch intends to pursue the following claims at trial:

10 4. Violation of 42 U.S.C. § 1983 resulting from Defendant Williams; unreasonable
 11 seizure and false imprisonment.

12 5. Violation of state laws resulting from Defendant Williams' assault, and false
 13 imprisonment.

14 **DEFENDANTS' OBJECTIONS:**

15 The Second Amended Complaint, the operative complaint in this case (Dkt. 1-1), does
 16 not contain all of the causes of actions plaintiffs have indicated an intent to pursue at trial.
 17 Specifically, the Second Amended Complaint does not include a §1983 claim for Monique
 18 Tillman for an unlawful seizure and does not include any §1983 claims for Eric Branch, on any
 19 theory of liability. Plaintiffs' failure to plead these claims has prejudiced Officer Williams in that
 20 it deprived him of the opportunity to assert qualified immunity as a defense to these claims and
 21 to seek summary judgment on that basis. Moreover, a denial of summary judgment for qualified
 22 immunity is subject to interlocutory appeal and Officer Williams has been deprived of that right
 23 as well². Allowing plaintiffs to pursue these claims at trial, after a full discovery period and
 24 dispositive motion practice, deprives Officer Williams of his due process rights. Finally, by
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26 ² In its order on summary judgment, the Court noted that there were material questions of fact on all issues that
 27 precluded summary judgment, including qualified immunity. Officer Williams sought qualified immunity on the
 28 excessive force claim only and therefore, that is the claim for which the Court found material questions of fact. The
 facts material to the unreasonable seizure claim, however, were not in dispute and Officer Williams would have
 been entitled to summary judgment on that basis, or in the alternative, a right to interlocutory review of the district
 court's order, had plaintiffs pled these claims and given appropriate notice to the defendant.

1 adding causes of action under §1983 after the dispositive motions have been filed and resolved,
 2 plaintiff is subjecting Officer Williams to additional grounds for punitive damages, grounds that
 3 Officer Williams was not permitted to challenge by summary judgment.

4 In addition to the unpled §1983 claims, plaintiff Monique Tillman has identified a
 5 municipal liability claim on an alleged failure to train, investigate and discipline, claims that
 6 plaintiff abandoned on summary judgment. The City of Tacoma moved for summary judgment
 7 on these theories of liability, identifying the necessary evidence to establish plaintiff's prima
 8 facie case and demonstrating the absence of essential evidence to establish these claims. See
 9 Dkt. 56. In response to the City's motion, plaintiff did not address the claims of municipal
 10 liability based on training, investigation or discipline, and instead, argued municipal liability on
 11 the basis of an unconstitutional policy and ratification. See Dkt. 86. As the party bearing the
 12 burden of proof on these claims at trial, plaintiff had an obligation, in response to the summary
 13 judgment motion, to adduce the competent evidence necessary to establish the essential elements
 14 of this claim. Celotex Corp. v. Catrett, 477 U.S. 317, 325, 106 S. Ct. 2548, 2553, 91 L. Ed. 2d
 15 265 (1986). Plaintiff's failure to argue these claims on summary judgment constituted an
 16 abandonment of these claims and plaintiff should not be permitted to pursue these claims at trial.

17 **B. Defendants' Defenses**

- 18 1. Federal and State qualified immunity for Officer Williams in his individual
 capacity.
- 20 2. Failure to mitigate damages.

21 **PLAINTIFFS' PROPOSED STATEMENT OF THE CASE**

22 This is a civil rights case. The two people bringing this case are Monique Tillman and
 23 Eric Branch. They are called the plaintiffs. They are suing the City of Tacoma, and police officer
 24 Jared Williams, who are called the defendants.

25 The plaintiffs claim they were subjected to an unconstitutional stop, and seizure. They
 26 claim that excessive force was used by Officer Williams while seizing Monique Tillman, and
 27 that Monique Tillman was later improperly prosecuted. Monique Tillman claims to have suffered
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1 physical and emotional injuries; Eric Branch is claiming emotional injuries. Plaintiffs are also
2 seeking punitive damages.

3 Defendants assert that the stop of both plaintiffs, arrest and subsequent prosecution of
4 Monique Tillman were all supported by probable cause and therefore lawful.

5 **STIPULATED FACTS**

6 1. On May 24, 2014, plaintiffs Monique Tillman and Eric Branch were minors, and
7 residents of Pierce County Washington.

8 2. The Tacoma Police Department is a department of the City of Tacoma.

9 3. The Tacoma Police Department is responsible for law enforcement in the City of
10 Tacoma.

11 4. On May 24, 2014, defendant Jared Williams was a police officer employed by the
12 City of Tacoma.

13 5. On May 24, 2014, plaintiff Tillman was fifteen (15) years old.

14 6. On May 24, 2014, plaintiff Tillman and her brother plaintiff Branch were
15 riding their bicycles through the Tacoma Mall parking lot, on Tacoma Mall property.

16 7. Defendant Williams stopped plaintiffs by driving his Tacoma Police Department
17 cruiser directly behind them as they biked their way across the Tacoma Mall parking lot
18 deploying the cruiser's air horn.

19 8. At the time Plaintiffs were stopped by defendant Williams, defendant Williams
20 was wearing a Tacoma Police Department issued uniform and badge, driving a Tacoma Police
21 Department cruiser, utilizing Tacoma Police Department equipment, including a side arm,
22 handcuffs or hand restraints, and Taser.

23 9. Defendant Williams exited his police cruiser and approached plaintiffs after they
24 stopped in response to his commands and the activation of the cruiser's air horn.

25 10. Plaintiff Tillman asked why defendant Williams had stopped her and her brother

26 11. Plaintiff Tillman responded that she believed she was being harassed because of
27 the color of her skin.

28 12. Plaintiff Tillman attempted to ride away from the officer on her bicycle.

1 13. Defendants Williams made physical contact with plaintiff Tillman to keep her
2 from leaving.

3 14. Defendant Williams took Plaintiff Tillman to the ground and at one point
4 deployed his Taser, which is a pain compliance and muscular control tool.

5 15. Defendant Williams was acting under color of state law.

6 16. Plaintiff Tillman was arrested, charged with crimes, and booked into Remann
7 Hall.

8 17. At a trial of the criminal charges, the criminal case against Tillman was dismissed
9 by the Superior Court.

10 18. Malik Branch, Monique Tillman's mother, made a complaint to the Tacoma
11 Police Department that the incident constituted excessive force. After an investigation, the
12 Department determined that the conduct in this instance was in accordance with department
13 policy and therefore, the complaint investigation was closed with a finding of "exonerated."

14

15 **ISSUES OF LAW**

16 There are no issues of law for the Court's resolution, other than Officer Williams
17 assertion of qualified immunity, which is a question of law for the court to resolve after the jury
18 has resolved any material questions of fact.

19 **WITNESSES**

20 **A. On Behalf of Plaintiff**

21 *Expert Witnesses:*

- 22 1. Randal D. Beaton, Ph.D. (will testify)
23 Department of Psychosocial and Community Health
24 Box 357263, School of Nursing
25 University of Washington
26 Seattle, WA 98195

27 Dr. Beaton is a recognized expert in the area of Clinical Psychology Practice, specializing
28 in evaluation and treatment of Chronic Pain and Stress Disorders and will provide testimony on
the liability and causation issues in this case.

- 1 2. D.P. Van Blaricom (will testify)
2 835 – 91st Lane N.E.
3 Bellevue, WA 98004-4811

4 D.P. Van Blaricom is a nationally recognized expert in the area of police practices and
5 procedures and will provide testimony on the liability and causation issues in this case.

- 6 3. Stanley Kephart (may testify)
7 2949 N 44th Street
8 Phoenix, AZ 85018

9 Mr. Kephart is an expert in security and surveillance systems. He will testify regarding
10 the surveillance system in place at the Tacoma Mall and the existence and subsequent destruction
11 of pertinent video surveillance recordings.

12 **Lay Witnesses:**

- 13 1. Eric Branch (may testify)
14 c/o Friedman | Rubin PLLP
15 1126 Highland Avenue
16 Bremerton, WA 98337

17 Plaintiff.

- 18 2. Malik Branch (may testify)
19 c/o Friedman | Rubin PLLP
20 1126 Highland Avenue
21 Bremerton, WA 98337

22 Ms. Branch is the mother of plaintiffs. She has knowledge with respect to plaintiffs' damages.

- 23 3. Matthew Graham (may testify)
24 c/o Office of the City of Tacoma Attorney
25 747 Market Street, Room 1120
26 Tacoma, WA 98402-3767

27 Mr. Graham is employed by defendant the City of Tacoma and has knowledge with respect to aspects of liability.

- 28 4. Henry Knaack (may testify)
29 2505 Woods Drive Apt. H
30 Steilacoom, WA 98388-4228

31 Mr. Knaack witnessed the incident and has knowledge with respect to aspects of liability and damages.

1 5. Olivia Pokemire (will testify)
2 10606 Sheridan Ave. S.
3 Tacoma, WA 98444

4 Ms. Pokemire is one of plaintiffs' social friends and has knowledge with respect to
5 plaintiffs' damages.

6 6. Donald Ramsdell (will testify)
7 c/o Office of the City of Tacoma Attorney
8 747 Market Street, Room 1120
9 Tacoma, WA 98402-3767

10 Chief Ramsdell approved the City's use of force policy and has knowledge with respect
11 to aspects of liability.

12 7. Jason Sadler (may testify)
13 8410 27th Street W Apt. C
14 University Place, WA 98466

15 Jason Sadler has knowledge with respect to liability and the video surveillance system at
16 the Tacoma Mall.

17 8. Stephanie Sawyer (will testify)
18 6213 Lakewood Dr., Apt. (B7)
19 University Place, WA 98467

20 Ms. Sawyer is an aunt and former childhood caregiver to plaintiffs. She has knowledge
21 with respect to plaintiffs' damages.

22 9. Michael Smith (may testify)
23 c/o Office of the City of Tacoma Attorney
24 747 Market Street, Room 1120
25 Tacoma, WA 98402-3767

26 Mr. Smith is employed by defendant the City of Tacoma and has knowledge with respect
27 to aspects of liability.

28 10. Steven Storwick (may testify)
29 c/o Office of the City of Tacoma Attorney
30 747 Market Street, Room 1120
31 Tacoma, WA 98402-3767

32 Mr. Storwick is employed by defendant the City of Tacoma and has knowledge with
33 respect to aspects of liability.

1 11. Monique Tillman (may testify)
2 c/o Friedman | Rubin PLLP
3 1126 Highland Avenue
4 Bremerton, WA 98337

5 Plaintiff.

6 12. Lexine Torres (will testify)
7 Bates Technical College
8 South Campus
9 2201 South 78th St.
10 Tacoma, WA 98409

11 Ms. Torres was plaintiff Tillman's career counselor at Bates Technical College. Ms.
12 Torres has knowledge with respect plaintiff Tillman's damages.

13 13. Edward Wade (may testify)
14 c/o Office of the City of Tacoma Attorney
15 747 Market Street, Room 1120
16 Tacoma, WA 98402-3767

17 Mr. Wade is employed by defendant the City of Tacoma and has knowledge with respect
18 to aspects of liability.

19 14. Amanda Webster-Martin (will testify)
20 101 E 64th Street
21 Tacoma, WA 98404

22 Ms. Webster-Martin may testify regarding her knowledge and observation of the incident
23 of May 24, 2014 and the cell phone video she filmed and provided to the parties.

24 15. Jared Williams (will testify)
25 c/o Office of the City of Tacoma Attorney
26 747 Market Street, Room 1120
27 Tacoma, WA 98402-3767

28 Defendant.

29 **B. On Behalf of Defendants**

30 ***Expert Witnesses:***

31 1. Dennis Chong, M.D. (*will testify*)
32 c/o Northwest Medical Experts Inc.
33 600 University St., Ste. 2325
34 Seattle, WA 98101

1 Dr. Chong is a board-certified physiatrist who is expected to testify, if necessary,
 2 regarding Ms. Tillman's medical health history and diagnoses prior to the incident of May 24,
 3 2014, as well as any treatment received as a result of the May 24, 2014 incident.

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2. Chris Myers (*will testify*)
22727 4th Ave W, #105
Bothell, WA 98021

Mr. Myers is expected to testify, if necessary, concerning the police procedures and the use of force used by Officer Jared Williams during the May 24, 2014 incident.

3. Russell Vandenbelt, M.D. (*will testify*)
11201 SE 8th St, #105
Bellevue, WA 98004

Dr. Vandenbelt is a board-certified psychiatrist who is expected to testify, if necessary, regarding Ms. Tillman's mental health history and diagnoses, medication history related to her mental health diagnoses, and her history of substance abuse prior to the incident of May 24, 2014.

Lay Witnesses:

1. Sergeant John Branham (*may testify*)
c/o Tacoma City Attorney's Office
747 Market Street, Suite 1120
Tacoma, WA 98402

Sergeant Branham may testify regarding his contact with plaintiff Tillman on May 24, 2014 and the events surrounding that contact.

2. Tifni Buchanan (*will testify*)
South Sound 911
945 Tacoma Avenue South
Tacoma, WA 98402

Ms. Buchanan is expected to testify regarding the foundation of CAD communications, records and audio.

3. Diane Clarkson (*may testify*)
Pierce County Deputy Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402

Ms. Clarkson may be called to testify regarding the State of Washington's prosecution against Plaintiff Tillman.

- 1 4. Detective Julie Dier (formerly Yulia Popov) (*may testify*)
2 c/o Tacoma City Attorney's Office
3 747 Market Street, Suite 1120
4 Tacoma, WA 98402

5 Detective Dier may be called to testify regarding her contact with plaintiff Tillman on
6 May 24, 2014 and the events surrounding that contact.

- 7 5. Officer Matt Graham (*may testify*)
8 c/o Tacoma City Attorney's Office
9 747 Market Street, Suite 1120
10 Tacoma, WA 98402

11 Officer Graham may be called to testify regarding Electronic Control Tools (Taser)
12 training provided to Tacoma Police Officers.

- 13 6. Lieutenant Gordon Stark (*may testify*)
14 c/o Tacoma City Attorney's Office
15 747 Market Street, Suite 1120
16 Tacoma, WA 98402

17 Lieutenant Stark will be called to testify regarding Tacoma Police Department training.

- 18 7. Assistant Chief Ed Wade (*will testify*)
19 c/o Tacoma City Attorney's Office
20 747 Market Street, Suite 1120
21 Tacoma, WA 98402

22 Assistant Chief Wade will testify regarding the complaint filed by Maliks Branch and the
23 internal investigation into the use of force applied during the incident.

- 24 8. Henry Knaack, Security Officer (*will testify*)
25 c/o Mills Meyers Swartling, P.S.
26 1000 Second Avenue, 30th Floor
27 Seattle, WA 98104

28 Officer Knaack is expected to testify regarding his contact with plaintiffs on May 24,
29 2014 and the events surrounding that contact.

- 30 9. Officer Joshua McKenzie (*may testify*)
31 c/o Tacoma City Attorney's Office
32 747 Market Street, Suite 1120
33 Tacoma, WA 98402

34 Officer McKenzie may testify regarding his contact with plaintiff Tillman on May 24,
35 2014 and the events surrounding that contact.

- 1 10. Police Chief Donald Ramsdell (*may testify*)
2 c/o Tacoma City Attorney's Office
3 747 Market Street, Suite 1120
4 Tacoma, WA 98402

5 Chief Ramsdell is a named defendant and may be called to testify about his determination
6 following the Use of Force Review Board and the Department's policies and procedures.

- 7 11. Jason Sadler (*will testify*)
8 c/o Mills Meyers Swartling, P.S.
9 1000 Second Avenue, 30th Floor
10 Seattle, WA 98104

11 Mr. Sadler is expected to testify regarding Tacoma Mall's security personnel guidelines
12 for interaction with individuals on mall property and video surveillance relating to the May 24,
13 2014 incident.

- 14 12. Officer Steven Storwick (*may testify*)
15 c/o Tacoma City Attorney's Office
16 747 Market Street, Suite 1120
17 Tacoma, WA 98402

18 Officer Storwick may be called to testify regarding Defensive Tactics training provided
19 to Tacoma Police Officers.

- 20 13. Amanda Webster-Martin (*will testify*)
21 101 E 64th Street
22 Tacoma, WA 98404

23 Ms. Webster-Martin will be called to testify regarding her knowledge and observation of
24 the incident of May 24, 2014 and the cell phone video she filmed and provided to the Tacoma
25 Police Department.

- 26 14. Officer Jared Williams (*will testify*)
27 c/o Tacoma City Attorney's Office
28 747 Market Street, Suite 1120
29 Tacoma, WA 98402

30 Officer Williams is a named defendant and will testify regarding his contact with the
31 plaintiffs on May 24, 2014, and the events surrounding that contact.

1 **EXHIBITS**

2 **A. Plaintiffs' Proposed Exhibits**

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
1	Family Photographs (10 photographs)	X		
2	Surveillance Video of Incident	X		
3	Eye Witness Cell Phone Video of Incident	X		
4	Tacoma Police Department Arrest Report Incident No. 141441088.1		X	
5	Knaack Supplemental Report (TILLMAN 118)		X	
6	Branch Complaint (TILLMAN 119-122)		X	
7	Use of Force Investigation 14-1441088 (TILLMAN 123-125)	X		
8	Simon Property-Tacoma Mall Incident Report (TILLMAN 126-128)	X		
9	INTENTIONALLY LEFT BLANK			
10	INTENTIONALLY LEFT BLANK			
11	INTENTIONALLY LEFT BLANK			
12	Verbatim Transcript of Proceedings dated January 27, 2015 (TILLMAN 000136 – 250)		X	
13	LESA CAD Messaging Query (TILLMAN 408-410)		X	
14	INTENTIONALLY LEFT BLANK			
15	05/2012 Tacoma Police Department Use of Force Policy (TILLMAN 656-665)		X	
16	02/2014 Tacoma Police Department Use of Force Policy	X		
17	Tacoma Police Department Procedures Manual, Arrest – General Arrest (TILLMAN 2049)	X		

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
18	Tacoma Police Department Procedures Manual, Field Contacts (TILLMAN 2050-2055)		X	
19	Tacoma Police Department Procedures Manual, Juvenile – Investigation and Arrest (TILLMAN 2056-2059)		X	
20	02/2015 Tacoma Police Department Use of Force Policy (TILLMAN 2077-2087)		X	
21	Redlined Version of 05/2012 Use of Force Policy		X	
22	Tacoma Police Department Professional Standards Sub-Section 1.1 (TILLMAN 2688-2695)	X		
23	Tacoma Police Department Professional Standards Sub-Section 1.2 (TILLMAN 2696-2700)	X		
24	Electronic Control Tool (ECT) 2010 Training and Recertification Taser X26 Units	X		
25	Electronic Control Tool (ECT) 2011 Training and Recertification Taser X26 Units	X		
26	Electronic Control Tool (ECT) 2012 Training and Recertification Taser X26 Units	X		
27	Electronic Control Tool (ECT) 2013 Training and Recertification Taser X26 Units	X		
28	Electronic Control Tool (ECT) 2014 Training and Recertification Taser X26 Units	X		
29	Tacoma Police Department Off-Duty Employment Permits (2757-2760)		X	
30	Tacoma Police Department Legal Directive 10-001 (TILLMAN 2841-2842)	X		

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
31	Tacoma Police Department Intra-Department Memorandum 2009 Use of Force Analysis Report (TILLMAN 2865-2868)		X	
32	Tacoma Police Department Intra-Department Memorandum 2010 Use of Force Analysis Report (TILLMAN 2869-2872)		X	
33	Tacoma Police Department Intra-Department Memorandum 2011 Use of Force Analysis Report (TILLMAN 2873-2877)		X	
34	Tacoma Police Department Intra-Department Memorandum 2012 Use of Force Analysis Report (TILLMAN 2878-2884)		X	
35	Tacoma Police Department Intra-Department Memorandum 2013 Use of Force Analysis Report (TILLMAN 2885-2891)		X	
36	Tacoma Police Department Intra-Department Memorandum 2014 Use of Force Analysis Report (TILLMAN 2892-2898)		X	
37	Exterior CCTV PTZ vs. Still Camera Map (UPS 100401)	X		
38	Jared Williams Pat Slips (Simon 225-242)		X	
39	Simon Security and Crime Prevention S0800 (TILLMAN 202-214)		X	
40	Taser Handheld CEW Warnings, Instructions, and Information: Law Enforcement (PLA 1578 – 1585)		X	
41	Declaration for Detention of Probable Cause (PLA 1343-1344)	X		
42	Information (PLA 1345-1346)	X		
43	Order of Dismissal (PLA 1339)	X		
44	15COM-0003 IAPRO Summary		X	

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
45	PPO Williams Administrative Report		X	
46	Ariel Photos of the Mall and the Surrounding Areas	X		

B. Defendants' Exhibits

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
A1	CAD 14-1440670, Bates Nos. TILLMAN 000086-000087		X	
A2	CAD 14-1441088, Bates Nos. TILLMAN 000088-000089		X	
A3	South Sound 911 Audio, Bates Nos. TILLMAN 000064 – 000065	X		
A4	Tacoma Police Internal Affairs Complaint Investigation No. 14COM-0071, Bates Nos. TILLMAN 000101-000135		X	
A5	Officer Jared Williams's training file, P-TRNG JW 000001-000029		X	
A6	Tacoma Mall aerial photo indication locations for Pier 1, Sears and Krispy Kreme	X		
A7	Tacoma Mall aerial photo indicating location of Tacoma Mall and plaintiffs' residence (Tillman Deposition Exhibit 12)	X		
A8	Tacoma Mall aerial photo indicating plaintiffs' route to mall (Tillman Deposition Exhibit 13)	X		
A9	Tacoma Mall aerial photo indicating location of where plaintiffs were stopped on their bicycles by Officer Williams (Tillman Deposition Exhibit 14)	X		
A10	Tacoma Mall aerial photo indicating plaintiffs' route to the mall (Branch Deposition Exhibit 1)	X		

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
A11	Tacoma Mall aerial photo indicating where plaintiffs' first saw Security Officer Knaack and Officer Williams and where plaintiffs stopped (Branch Deposition Exhibit 2)	X		
A12	Tacoma Mall aerial photo indicating where contact with Officer Williams occurred (Branch Deposition Exhibit 3)	X		
A13	Series of frames side by side from video clips captured from Tacoma Mall security video and citizen Amanda Webster-Martin's cell phone			X
A14	Series of side by side video clips captured from Tacoma Mall security video and citizen Amanda Webster-Martin's cell phone			X
A15	Excerpts of Commencement Bay Pediatrics Record on Monique Tillman		X	
A16	Excerpts of Comprehensive Life Resources Records on Monique Tillman		X	
A17	Excerpts of Greater Lakes Mental Health Records on Monique Tillman		X	
A18	Excerpts of Multicare Health System Records on Monique Tillman		X	
A19	Excerpts of Tacoma Fire Department Records on Monique Tillman		X	
A20	Excerpts of DSHS records for Monique Tillman		X	
A21	Excerpts of Social Security Records for Monique Tillman		X	
A22	Tacoma Public School Transcripts for Monique Tillman		X	
A23	Tacoma Public School Disciplinary Records for Monique Tillman		X	

Ex. No.	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity & Admissibility Disputed
A24	Clover Park School District Disciplinary Records for Monique Tillman		X	
A25	Bates Technical School Transcript for Monique Tillman		X	
A26	Excerpts of Comprehensive Life Resources Records on Eric Branch		X	
A27	Excerpts of Greater Lakes Mental Health Records on Eric Branch		X	
A28	Excerpts of Multicare Healthcare System Records on Eric Branch		X	
A29	Excerpts of Woodcreek Healthcare Records on Eric Branch		X	
A30	Excerpts of Social Security Records on Eric Branch		X	
A31	Tacoma Public School Transcripts for Eric Branch		X	
A32	Tacoma Public School Disciplinary Records for Eric Branch		X	
A33	Clover Park School District Disciplinary Records for Eric Branch		X	
A34	Clover Park Technical College Transcript for Eric Branch		X	
A35	Excerpts from KOMO News video "Tasered Teen"		X	
A36	Use of Force Continuum diagram	X		

ACTION BY THE COURT

- a) This case is scheduled for trial to the Court sitting with a jury on March 12, 2018, at 9:00 a.m.
- b) Trial briefs shall be submitted to the court on or before February 26, 2018.

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

1 DATED this ____ day of _____, 2018.
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Ronald B. Leighton
United States District Judge

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6 **FORM APPROVED:**

7 FRIEDMAN | RUBIN
8

9 By: /s/ Alexander A. Ackel
Alexander E. Ackel, WSBA #
10 Richard H. Friedman, WSBA #
Attorneys for Plaintiffs
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12 TAMAKI LAW
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14 By: /s/ Vito De La Cruz
Vito De La Cruz, WSBA #
15 Attorneys for Plaintiffs
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William C. Fosbre, City Attorney
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18 By: /s/ Jean P. Homan
Jean P. Homan, WSBA #27084
19 Deputy City Attorney
20 Attorney for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following in the manner indicated:

Jean P. Homan () Legal Messenger Service
OFFICE OF THE CITY ATTORNEY () Facsimile
747 Market Street, Room 1120 () U.S. Mail
Tacoma, WA 98402-3767 (X) Email

Attorneys for Defendants JARED WILLIAMS and THE CITY OF TACOMA

/s/ Dana C. Watkins
Dana C. Watkins, Paralegal